

MINUTES OF REGULAR MEETING HELD AUGUST 14, 2018

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, August 14, 2018 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 12, 2017. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, THE STAR LEDGER, and TAP INTO WESTFIELD and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle, Council Members Arena, Dardia, LoGrippo, Contract, Stokes, Mackey

ABSENT: Council Members Habgood, Neylan

INVOCATION AND FLAG SALUTE

Invocation was given by Councilman Contract, followed by the flag salute.

PRESENTATIONS

Town Administrator's Reports

- Provided an update of road resurfacing and stated that progress is being made despite delays with rain. Discussed roads that were recently paved and those that are next on the schedule. Also stated that the Public Information Officer has been providing weekly updates on social media concerning the status of road paving and encouraged residents to check online for information;
- Announced that improvements to Municipal Lot No. 7 are underway and discussed the timeframe for completion of the project;
- Informed residents of handicap curb cut work that is being conducted by Union County along North Avenue;
- Announced that registration for bulky waste permits began in August and approximately ninety (90) permits have been purchased to date. Also stated that registration closes in September and that a minimum number of permits need to be sold to move forward with the program;
- Discussed the new look to the Town's website and explained that the content remains unchanged;
- Discussed Requests for Proposals (RFP's) recently advertised, including an RFP for a Parks and Recreation Strategic Plan, due September 12, 2018, and an RFP for a Pavement Management/Assessment Program, due September 28, 2018.

Mayor's Remarks

- Welcomed new businesses to Town, including Boxwood Coffee, Farinolio, Spencer Savings Bank, Westfield Shoe Repair, Excel Physical Therapy, and two pop ups, Spirit Halloween and Luxury Garage Sale;
- Discussed new businesses coming soon, including Warby Parker in the subdivided Coldwater Creek property, J. McLaughlin in the Flatiron building, and Atlantic Health in the building across from the post office. Feels it is great that vacancies are being filled, and stated there would be more announcements in the near future;
- Informed residents that the Town's Recreation Department is partnering with Union County to host a movie night in Tamaques Park on August 23, 2018. Cars 3 would be shown, with free popcorn, and a DJ and kids dance party would take place prior to the movie;
- Announced that the Dog Days of Summer, Second Sunday DWC event, was postponed due to weather and has been rescheduled for August 19, 2018. Quimby Street would be closed from 10:00 AM until noon for a pet parade and a variety of dog friendly events and treats would be featured. Encouraged all to attend;
- Acknowledged and expressed her gratitude to Acting Police Chief Battiloro, who is in attendance this evening in his new capacity. Also extended her thanks to the entire Westfield Police Department for hosting a very successful National Night Out;
- Announced that the temporary outdoor ice rink planned for Gumbert Park has received final Green Acres approval and is scheduled to open November 1, 2018. Stated that she looks forward to the many public events being planned for this temporary recreation facility and hopes to see many residents there;
- Informed residents that she has had several meetings with Fanwood Mayor Colleen Mahr and Scotch Plains Mayor Al Smith to explore potential opportunities for shared services, particularly regarding public works initiatives. Stated that Jordan Glatt, one of the Governor's shared service czars, has also attended these meetings to provide guidance and resources to assess what is possible. The goal is to find opportunities to drive efficiencies while improving service to residents;
- Discussed issues with New Jersey Transit (NJT) and feels it is inexcusable that it has been allowed to deteriorate to such a degree. Also feels every commuter and taxpayer should be appalled. Stated that "the chickens have come home to roost" after years of neglect, and it seems that the Raritan Valley Line (RVL) has taken the brunt of it. Explained that commuters now face the "double whammy" of the temporary cancellation of the off-peak ride, along with the two year closing of a lane in the Lincoln Tunnel for necessary repair work, resulting in both the train and the bus being bad options. Assured residents that as co-chair of a newly formed coalition of twenty-three (23) Mayors along the RVL, she would continue to advocate for a reallocation of dual locomotive trains to enable RVL peak one seat rides into NYC. In addition, the coalition's three (3) co-chairs met with Senator Kean recently to develop a legislative strategy, and a meeting of the coalition with various state legislators, NJT executives, and New Jersey Department of Transportation (NJDOT) officials is in the process of being scheduled for a date in September. Also stated that she would be attending NJT hearings in Trenton on August 16, 2018 in an effort to vigilantly advocate for RVL equity after the one seat ride is restored early next year. Stated that she also remains in contact with Senator Kean,

Assemblyman Bramnick, and Assemblywoman Munoz concerning the latest disruptions to ensure that all are speaking with one voice. Explained that she is intimately familiar with the toll a stressful commute can have on a commuter and his/her family, and that she would remain a relentless advocate for commuting residents because the issue is very personal to her;

- Provided context regarding the recent Planning Board approval of the thirty (30) unit apartment building referred to as “Circle Plaza of Westfield” on the former Pan Am Cleaners’ site near the South Avenue circle. Explained that this project was negotiated over the past few years as part of Westfield’s overall affordable housing settlement, which included stipulations regarding the number and composition of the units. Explained that the Planning Board does not have the authority to deny or substantially change an affordable housing project without unraveling the entire affordable housing settlement that Westfield proactively entered into. Such a scenario would then put the Town at risk of builder’s remedy lawsuits, allowing municipalities far less say in the development of affordable housing units, which is what is happening in some neighboring communities. The Planning Board’s role in reviewing affordable housing projects is specific and clear; to ensure that the project’s execution reflects the aesthetics and standards of the community. Stated that, as a reminder, Westfield’s affordable housing obligation is to build approximately one hundred (100) affordable housing units, which equates to six hundred and sixty (660) total units, some of which are already completed, such as 333 Central Avenue, and others are under construction, such as the former car wash site at the corner of Rahway Avenue and East Broad Street. Explained that the Pan Am Cleaners’ project is the first of many affordable housing projects that will come before the Planning Board, with the majority located on the Garwood side of North and South Avenues. Early indications are that these new units would have little impact on schools and traffic, while providing necessary workforce housing and downsizing options for “empty nesters.” Stated that she looks forward to the vibrancy that new residents will bring to Town, but hopes that a more pragmatic affordable housing solution will emerge state-wide before the Town’s next negotiation, which is scheduled for 2025;
- Referred to numerous media reports concerning the Westfield Police Department, and provided an update and additional context regarding the circumstances behind Chief Wayman’s sudden departure, as well as the handling of a traffic accident involving a Police Captain’s family member, which are two separate and unrelated incidents. Began by extending get well wishes to Westfield resident Ashley Redding who is recovering from a car accident involving the teenage daughter of a Police Captain. Stated that she has been heartened by how the community has rallied around Ms. Redding, as Westfield residents often do with those in need. Explained that she has not had the opportunity to meet Ms. Redding, in spite of repeated asks through her attorney, and would like to express her concern in person. Also extended her thoughts and concerns for the teenage driver whose life has also been impacted by the publicity surrounding this very unfortunate accident. Stated that many questions have been raised about how Ms. Redding’s case was handled by the Police Department. Explained that, as Mayor, she has no input as to where and why a case gets moved to another municipality. This is determined by the local court office and the municipal judge, consistent with the County court transfer system. Stated that the Borough of Mountainside is always the first choice

court for Westfield, and Mountainside accepted the case. Explained that, in this instance, she did not know the case had moved to Mountainside, nor was she aware of the dismissal of the citations until she read about it in news accounts. Further explained that it is her understanding in this matter that the charges filed by the Redding's occurred after the legally required thirty (30) day period had passed, and were ultimately dismissed by the Mountainside court as a result of this timing issue. Additionally, the Union County Prosecutor's Office (UCPO) conducted an investigation into this accident and did not find any official wrongdoing on the part of the Westfield Police Department. Feels that despite the findings by the UCPO, she believes in accountability, and in looking objectively at the facts. Also feels it is clear that the Town has work to do to avoid any similar situations in the future, and to avoid the slightest perception of poor judgment. To that end, the Town is implementing specific policy guidelines as to how incidents involving police officer's family members must be reported and processed going forward. Stated that she believes this is a first step on the path to greater transparency that benefits residents and police officers alike. Stated that she recognizes that residents may also have additional questions about the swift departure of Chief Wayman, and that she hopes residents will understand that she is limited by what she is legally allowed to share. Explained that this is as frustrating for her as it is for concerned residents who are seeking answers. While she prioritizes transparency, she must simultaneously respect the legal parameters that are in place. Looking forward, believes the Town has a significant opportunity when selecting a new Police Chief to evolve the Department to one that reflects the values of her administration and the community. To that end, the Town will be looking for a Chief with unquestionable character and integrity who embraces a community policing model, and who can transform the culture of the department to one that embodies trust and accountability. Feels the many outstanding men and women in the department, along with the residents of Westfield, deserve nothing less. Assured residents that she takes this opportunity very seriously, she is committed to a diligent, fair, and thorough process and it will be one of her top priorities for the foreseeable future.

Councilman Arena referred to the Mayor's comments concerning potential shared services opportunities and stated that he shares her enthusiasm and feels it is a valuable and worthwhile effort for the towns involved. Suggested that, as a next step, the Town should consider moving away from Union County and establishing a "Union County West" because of the amount of services that are shared with Westfield and its neighboring towns. Feels what is currently occurring between Westfield and Union County is "broken".

Mayor Brindle explained that the first step is to consider sharing services such as Public Works and the Conservation Center and move forward from there.

APPOINTMENTS

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

**TOWN OF WESTFIELD
INVITATION TO BID
WEDNESDAY, August 1, 2018
2018 IMPROVEMENTS AT MEMORIAL POOL**

Bidder**Amount of Bid**

Titan Property Maintenance	\$124,000.00
647 Myrtle Avenue	
Garwood, NJ 07027	
T.R. Weniger, Inc.	\$98,600.00
1900 New Brunswick Ave	
Piscataway, NJ 08854	

MINUTES

On a motion by Councilman Contract and seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Conference Session, Executive Session, and Regular Meeting held July 10, 2018 with Mayor Brindle and Councilman Stokes abstaining.

Councilman Stokes stated that he was absent for the meetings of July 10, 2018.

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Kenneth L. MacRitchie, 515 Trinity Place, commended the Town of Westfield's volunteers, specifically former Planning Board Chairman, Vince Wilt, and former Mayor, Don Snyder. Discussed Mr. Wilt's expertise in real estate and Mr. Snyder's tenure as a first ward councilman and mayor.

Arlene Gardner, 634 Carelton Road, discussed the Town Council's decision in May to pave Carleton Road without including curbing. Discussed the number and types of homes on the 600 block of Carleton Road, which is between Park and Washington Streets. Stated that many of the residents on this portion of the street have lived there for thirty (30) or more years, and for approximately twenty (20) of those years, residents have sought to have the road paved. Explained that in addition to the condition of the road, it also has very bad drainage issues, and the curbs are falling apart. The residents of Carleton Road assumed that once the Town approved paving for the street, that curb replacement would be included, but she learned that curbing

would not be included, and that residents would be responsible for that cost. Also explained that she learned that residents could file a petition to include curb replacement as part of the paving project, with the cost being assessed to residents, but found no information concerning this process on the Town's website. Stated that once she was made aware of this process, the residents of Carleton Road submitted a petition to have curb replacement included in the paving project, but because the petition was submitted after the Town had already made the decision to move forward with paving without curbing, it could not be considered. As an alternative, residents were informed that they could individually hire a contractor to replace curbing at their cost. Ms. Gardner informed the Town Council that residents have obtained cost estimates but they are very high, and she feels the process concerning curb replacement should be reconsidered.

Doug Miller, 619 Carleton Road, provided handouts to the Town Council with respect to curb replacement within Westfield. Feels the current process is flawed and is burdensome to homeowners because it requires that residents negotiate with contractors for curbing, which he believes should be the responsibility of the Town. Discussed drainage and gutters that are also required for curb replacement at Carleton Road. Feels that because residents are responsible for curbing, they are also responsible for gutters. Also feels this is an unrealistic requirement because contractors are not interested in bidding. Discussed the number of masonry contractors that were contacted by residents, the number of responses received and the number of cost estimates obtained. Explained two (2) quotes were obtained, and both were over \$100 per linear foot, with the lower cost estimate requiring that every homeowner on that block participate. Explained that this cost is not affordable and it is not reasonable to expect every homeowner to participate. Stated that if homeowners contract for curb replacement individually, it results in curbing that is not uniform and unsightly, and referenced Shadowlawn Drive as an example. Discussed road improvements that are occurring on Walnut Street, which include curbing, and stated that the results are uniform and much less costly to residents. Feels if it could be done on Walnut Street, it could also be done on Carleton Road and other streets. Feels it would not be a cost issue because the cost would be assessed to property owners, and the result would be of a higher quality because it would be done uniformly. Also discussed drainage improvements which are being done as part of the paving project on Carleton Road and reiterated his previous comment that residents would be responsible for gutters as well as curbing. Feels this should be the responsibility of the Town.

Ed Israelow, 634 Carleton Road, discussed roadways scheduled for paving in wards 3 and 4 that he has viewed. Also discussed the contractor retained by the Town for road improvements, Fischer Contracting, and stated that an employee of Fischer Contracting explained to him that it is more efficient and less costly to have one contractor do both paving and curbing at the same time. Also stated that the cost for curb replacement is higher for residents because competitive bidding is not required. Discussed the road improvements being done on Walnut Street versus Carleton Road and stated that the reason curbing is being done on Walnut Street is because the residents filed a petition fifteen (15) years ago. Feels the petition process is unknown to most residents, and does not make sense because homes change ownership frequently. Feels petitions for curbing should be submitted after a road has been designated for paving and before a contract is awarded. Stated that the residents of Carleton Road submitted a petition for curbing approximately two (2) weeks after learning the road had been approved for paving. The Town's

response to the petition was that it was too late to include curbing because a contract was already awarded for paving only. Stated that change orders are frequently approved for contracts for road improvements, and discussed change orders recently approved for both Fischer Contracting and DLS Contracting. Believes the cost to include curb replacement on Carleton Road would be approximately \$45,000, which would then be recouped by the Town through assessments to homeowners. Feels a change order could be authorized to allow for curb replacement on Carleton Road. Also feels the process for curb replacement should be more transparent, with step-by-step instructions as to the requirements posted on the Town's website. In addition, suggested that the timeframe for submission of a petition be done after the street is designated for paving because current homeowners should not be responsible for a cost that was approved by their predecessor. Feels this type of process would be more fair and equitable to homeowners, as opposed to the current process, and should be memorialized in an ordinance.

Arlene Gardner, 634 Carleton Road, provided a summary of the comments made by residents of Carleton Road. Feels more residents have not opposed the petition process for curbing because they are not aware that the process exists. In addition, believes some residents might not be interested in having curbing replaced, and many already have Belgium block curbing on their street. Stated that the residents of Carleton Road would like paving to occur this year, but feels it makes no sense to have paving move forward without curb replacement. Reiterated previous comments concerning the petition filed by Carleton Road residents requesting curbing as part of the improvement project for their street and feels the Town should approve it because it would be more efficient, less costly, and would improve the appearance of the roadway. Requested that the Town Council approve a change order for approximately \$50,000 for Belgium block curbing on the 600 block of Carleton Road, and that it adopt an assessment ordinance for the cost, and establish a reasonable process with notice of curbing requirements to residents.

Mayor Brindle explained that she was also unaware of the process for curb replacement, but does not feel it was intentionally nontransparent. Also believes the process requires review and explained that it is more complicated than it appears.

The Town Administrator explained that the Town cannot authorize a change order for curbing on Carleton Road because change orders are usually approved as a result of unforeseen site conditions, and referenced a change order to be approved for Mindowaskin Park as an example. Also explained that curbing assessment requires a separate ordinance that includes language authorizing an assessment, which has not been done for Carleton Road, and the contract that was awarded was done through a competitive bidding process for paving and drainage only. Public bidding would be required again to consider curbing as part of the project. Also explained that several petitions were filed by residents for curbing on other roads which would have to be considered ahead of Carleton Road because they were filed first, and the upfront expense to the Town allows for no more than one (1) or two (2) curbing jobs within a year, since it takes several years for the Town to recoup this cost. In addition, the bond ordinance adopted for the paving of Carleton Road includes paving for several other roadways, which is another reason why the Town cannot authorize a change order for Carleton Road only. Further explained that the main priority of the Town is road paving, and there is a Town ordinance which indicates that curbing, like sidewalks, is the responsibility of the abutting property owner, but in an effort to assist the

residents of Carleton Road, the Town is requesting a cost estimate for curb replacement from Fischer Contracting on their behalf.

Councilman Contract discussed the relationship between the Town Engineer and Fischer Contracting and confirmed that the Town Engineer would be contacting Fischer Contracting for a cost estimate on behalf of the residents. Also referred to Ms. Gardner's comments and provided clarification concerning the process for curbing. Explained that there was no conscious decision to exclude curbing from the project on Carleton Road. The process that is in place is the same process that has been followed for several years.

Ed Israelow, 634 Carleton Road, stated that he reviewed the Town Code for information indicating that curbing is the responsibility of the homeowner, but was unable to find this information. Also feels petitions cannot be upheld because they are submitted years in advance and homeownership has most likely changed by the time the project moves forward.

Mayor Brindle stated that she agrees with Mr. Israelow that the process is not ideal, and reiterated her previous comment that it is being revisited.

Mr. Israelow requested that the Town postpone the paving of Carleton Road until 2019 to allow for the acknowledgement of the curb replacement petition filed by residents of Carleton Road. Feels the contract most likely contains language that would allow for this, and also feels a postponement of paving would provide the Town with sufficient time to adopt an assessment ordinance.

Greg Kasko, 434 Everson Place, informed the Town Council that he reported misconduct and harassment within the Westfield Police Department to Town officials fourteen (14) years ago. Also discussed the New Jersey Conscientious Employee Protection Act that was distributed and signed by Town employees in 2004. Feels his report of misconduct to administrative officials "sealed his own fate". Stated that he had letters of commendation and compliments from the public up until that point. Explained that he was brought up on departmental charges and hired an attorney to protect his interests, and subsequently a "Whistleblower" lawsuit was filed on his behalf. Feels he was a model police officer and has been a lifelong resident of Westfield. Stated that while he retired in good standing in 2007, he feels his name was taken from him. Also stated that he met with former Mayor Skibitsky in 2009 and in 2010 about misconduct within the Police Department, with no results. Explained that he began attending Town meetings and endured councilmembers saying that he is "lying" about Town employees. Stated that he did not attend meetings to lie about Town employees, but to reveal proof of what he had after gathering facts. Feels he was vilified, but on August 1, 2018 he "got his name back". Stated that while the Town Council is not at liberty to discuss the reasons for the Police Chief's departure, he feels he can speak about it, and discussed reports and documents he obtained through research, which include a report of a hit and run accident that occurred at the Conservation Center. Stated that no suspects were indicated in the report, and questioned the content of the report because the results of the investigation only contained one line. Also stated that the Chief of Police was allegedly involved in that accident, and an investigation was conducted by the Union County Prosecutor's Office. The Chief of Police then retired on August 1, 2018. Informed the Town Council that he

has copies of the reports if they would like to review them. Extended his appreciation to the Mayor and Town Council for their efforts and leadership.

Adina Toescu-Encuiescu, 1310 Central Avenue, commended the Town Council for the recent improvements to Boulevard. Stated that last October, approximately fifteen (15%) percent to twenty (20%) of the street was repaired and former councilmembers took credit for it. Also discussed a sign that was posted which indicated that funds for the improvements were provided by Union County. After only seven (7) months, more than fifty (50%) of the Boulevard is repaired. Feels the Town Council provides residents with hope that the remainder of the roadway will be completed soon.

Ms. Toescu-Encuiescu also discussed the retirement of the Police Chief. Stated that she did not have a bad encounter with the Police Chief, but he and the Police Chief before him “testified” at the microphone in Council Chambers against her and others when she reported that drivers were illegally passing on the right and crossing the white line in the area in front of her home. Feels the former leadership of the Town allowed people to drive against the law. Feels that now there is hope for all residents that issues will be solved.

Josh McMahon, 123 South Avenue, attorney in Westfield, extended his thanks to the community for assisting the Redding family. Feels the amount of time, energy and money that was donated to help a family in need is a remarkable show of the community, and that the Reddings are eternally grateful for the support.

Mr. McMahon also discussed the rule of law, stating that justice is supposed to be impartial and fair. Feels transparency is also important, and discussed a decision of the Supreme Court and a dissenting opinion by Justice Barry Albin concerning transparency in government. Quoted Justice Albin, stating, “An informed citizenry is essential to a well-functioning democracy. Our government works best when its activities are well known to the public it serves.” Feels the Westfield Police Department has many good men and women that do a good job and work hard. Feels they are to be commended because it is a dangerous, stressful, and difficult job, but also feels a Police Department must be accountable to the people it serves, and expressed concern with certain members of the Westfield Police Department. Discussed the settlement of a lawsuit a few years back that was filed against the Police Department, which involved the conduct of police officers and civil rights violations against Town residents. Stated that some of the police officers involved in that lawsuit are still employed, and some have been promoted. Discussed the recent departure of the Police Chief, which he feels occurred under a “cloud”. Also discussed a statement by Mayor Brindle concerning the Police Chief’s departure, which indicated that consultation occurred with the Prosecutor’s Office. Explained that the Prosecutor’s Office prosecutes crimes and also has the responsibility for administrative oversight of law enforcement agencies. Feels there is “more going on” and asked the Town Council to think about the choices it will make in the upcoming weeks and months as it searches for a new Police Chief. Feels one of the choices that needs to be made is whether there will be transparency regarding the problems that exist so all can come together to solve them. Feels it is confusing that the Police Chief retired on August 1, 2018 because the New Jersey Division of Pension and Benefits would have to be alerted if he was under investigation. Feels a sudden departure and representation that the Union County Prosecutor’s Office was involved indicates that there is some type of

investigation, whether criminal, administrative or otherwise. Requested the Town's position concerning the Police Chief's retirement. Stated that Town officials are required by law to certify to certain items to the Division of Pension and Benefits, and are also required to be impartial by the rule of law. Questioned whether the Town allowed the Police Chief to retire while under investigation and what information was provided to the State. Also discussed the importance of the individual selected as the new Police Chief. Discussed Captain Battiloro's tenure with the Westfield Police Department. Stated that he had a conversation with Captain Battiloro and feels he is dedicated to doing the best he can for the Police Department and residents. Feels the Town Council should share the details of what has led to the Police Chief's departure so that the community is confident that things are not being "swept under the rug". Also stated that it is his understanding that there are several officers under investigation and he and the community would like to know what is occurring and what will be done about it. Stated that he understands that the law prohibits certain personnel related information from being disclosed, but he does not feel the law prohibits the Mayor and Town Council from discussing what has taken place. Encouraged councilmembers to consider the words of Justice Albin and choose to be transparent. Extended his appreciation to the Town Council for listening to his comments, and stated that he would be following up for answers to his questions. Feels that while the Mayor is the Chief Executive of the Town, councilmembers are individual legislators with their own individual views and choices. Requested that the Town Council share what has occurred with the Police Chief, that they share their thoughts on what needs to be done to correct issues within the Police Department, and that they share how they intend to select a new Police Chief. Feels sharing the process with the public will instill trust and confidence. Also urged the Town Council to remove the "bad apples" from the Police Department, to hold its leader accountable for "cleaning up" the Police Department and to be as transparent as possible because he feels it is in everyone's best interest.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

BILLS AND CLAIMS

On motion by Councilman Contract, and seconded by Councilman Dardia, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$1,139,076.63 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Contract, and seconded by Councilman Stokes, were unanimously adopted.

Resolution No. 198

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$44.40 to the order of New Jersey Department of Health, P.O. Box 369,

Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of July 2018.

Resolution No. 199

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Mrs. Jill Hurt 800 Forest Ave Apt #15A Westfield, NJ 07090	Dept. #195/Pool	Refund/Swim Lessons 2 Sessions Matthew Hurtt	\$110.00
Dr. Steven Schoeman 101 Jefferson Ave Westfield, NJ 07090	Dept. #195/Pool	Pool Membership Pro-Rated 2 Senior Memberships	\$101.28
Dara Meiner 1714 Grandview Ave Westfield, NJ 07090	Dept. #195/Pool	Stand-Up Paddle B. Yoga Dara Meiner	\$25.00
Katherine Dulan 746 Knollwood Terr. Westfield, NJ 07090	Dept. #195/Pool	Water Aerobics Katherine Dulan	\$65.00
Erinn DelGatto 770 Prospect Street Westfield, NJ 07090	Dept. #195/Pool	Aqua HIIT** Erinn DelGatto	\$75.00
Irene Nunes-Cravo 409 Woodland Ave Westfield, NJ 07090	Dept. #195/Pool	Aqua HIIT** Irene Nunes-Cravo	\$75.00
Mary Camacho 736 W. Broad Street Westfield, NJ 07090	Dept. #195/Pool	Aqua HIIT** Mary Camacho	\$75.00
Tina Whipple 328 N. Chestnut Street Westfield, NJ 07090	Dept. #195/Pool	Aqua HIIT** Tina Whipple	\$75.00
Donna Sturchio 646 Norman Place Westfield, NJ 07090	T05-600-073 Trust 218 Sports Camp	Flag Football Camp* Matthew Sturchio	\$95.00
Keya Parekh	T05-600-073	Flag Football Camp*	\$95.00

101 Cottage Place Westfield, NJ 07090	Trust 218 Sports Camp	Vivaan Parekh	
Yelena Mammadova 50 Doris Parkway Westfield, NJ 070990	T05-600-073 Trust 218 Sports Camp	Flag Football Camp* Iskandar Mirtagavi	\$95.00
Cathy Jones 550 Birch Ave Westfield, NJ 07090	T05-600-073 Trust 218 Sports Camp	Flag Football Camp* Max Jones	\$95.00
Sabrina Dorey 2 Messner Way Clark, NJ 07066	T05-600-073 Trust 218 Sports Camp	Get Better Basketball Session #2 Anthony Dorey	\$150.00
Abby Saunders 936 Grandview Ave Westfield, NJ 07090	T-05-600-073 Trust 218 Sports Camp	Get Better Basketball Session #2 Jack Saunders	\$150.00
Leena Daswani 618 Clark Street Westfield, NJ 07090	T-05-600-073 Trust 218 Sports Camp	Get Better Basketball Session #3 Dev Daswani	\$150.00
Nicola Braganza 639 Westfield Ave Westfield, NJ 07090	T-05-6000-073 Trust 218 Sports Camp	Wrestling Camp Leon Braganza	\$95.00
Jan Johannsen 312 Clifton Street Westfield, NJ 07090	T-05-600-073 Trust 218 Sports Camp	Football Camp July 16 – 19 Benjamin Johannsen	\$95.00
Denise Harrison 312 Linden Ave Westfield, NJ 07090	T-05-600-071 Tennis/Rec	Playground Stella Harrison	\$115.00
Sheila Chavez 237 Edgewood Ave Westfield, NJ 07090	T-05-600-073 Trust 218 Sports Camps	Golf Camp July 30 – Aug 3 Jack Chavez	\$120.00

Resolution No. 200

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Jennifer Weisberg
25432 North 44th Drive
Pheonix, AZ 85083

Smart Card

\$62.25

Resolution No. 201

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Ethan Schoss Construction Inc.
P.O. Box 969
Scotch Plains, NJ 07076

Amount of refund: \$975.00

Multi Roofing System, Inc.
651 King George Post Road
Edison, NJ 08837

Amount of refund: \$975.00

Resolution No. 202

WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 17-59	Matthew & Virginia Quinn	914 Mountainview Circle	8-05-560-656	\$698.97
Return to:	Matthew & Virginia Quinn	914 Mountainview Circle	Westfield	07090
BOA 17-61	Mark Dow	247 Prospect Street	8-05-560-658	\$500
Return to:	Mark Dow	34 Franklin Place	Summit	07091

BOA 17-64	Jennifer Pool & Christopher Miller	3 Breeze Knoll Drive	8-05-560-661	\$448.97
Return to:	Jennifer Pool & Christopher Miller	3 Breeze Knoll Drive	Westfield NJ	07090
BOA 18-01	Angela Kaufman	411 Prospect Street	8-05-560-664	\$448.97
Return to:	Angela Kaufman	411 Prospect Street	Westfield NJ	07090
BOA 18-02	Kevin & Corey Zippler	922 Mountainview Circle	8-05-560-665	\$250.00
Return to:	Kevin & Corey Zppler	922 Mountainview Circle	Westfield NJ	07090
BOA 18-03	Maria Blanco	417 Kimball Avenue	8-05-560-666	\$448.97
Return to:	Maria Blanco	417 Kimball Avenue	Westfield NJ	07090
BOA 18-04	Monika Gupta	1524 Pine Grove Avenue	8-05-560-667	\$198.97
Return to:	Monika Gupta	1 Second Street Apt. 1011	Jersey City	07302
BOA 18-06	Sabrina & Simon Kelner	315 Kimball Avenue	8-05-560-669	\$923.45
Return to:	Sabrina & Simon Kelner	315 Kimball Avenue	Westfield NJ	07090
BOA 18-07	Heather Wainer & Lou Weidt	101 West Dudley Avenue	8-05-560-670	\$173.45
Return to:	Heather Wainer & Lou Weidt	101 West Dudley Avenue	Westfield NJ	07090
BOA 18-08	Kyungsuk Bae	708 Boulevard	8-05-560-671	\$448.97
Return to:	Kyungsuk Bae	708 Boulevard	Westfield NJ	07090
BOA 18-09	Thomas & Emily Reichart	420 Colonial Avenue	8-05-560-672	\$448.97
Return to:	Thomas & Emily Reichart	420 Colonial Avenue	Westfield	07090
BOA 18-10	Anne-Marie & David Mora	649 Maple Street	8-05-560-673	\$448.97
Return to:	Anne-Marie & David Mora	649 Maple Street	Westfield NJ	07090
BOA 18-15	John Kim	417 Tuttle Parkway	8-05-560-678	\$198.97
Return to:	John Kim	417 Tuttle Parkway	Westfield NJ	07090
BOA 18-17	William Bible	29 Gallowae	8-05-560-680	\$198.97
Return to:	William Bible	29 Gallowae	Westfield NJ	07090
BOA 18-33	Peter McElynn	1 Doris Parkway	8-05-560-696	\$197.81

Return to: Peter McElynn

1 Doris Parkway

Westfield NJ 07090

Resolution No. 203

WHEREAS, the following persons, homeowners residing in Westfield, NJ, have filed for a 100% disabled rating due to service connected injuries, making them eligible for a Property Tax Exemption Qualification for the tax year 2018, and

WHEREAS the Mayor and Town Council elect to exercise their discretion to exempt homeowners from payment of real estate taxes for the prorated year 2018 and refund said homeowners retroactively to the effective date of disability stated in the Veteran Administration letter;

NOW, THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and he hereby is authorized to draw warrants to the below mentioned, this being a refund for prorated 2018 taxes, based on the application as indicated below;

Block/Lot/Qualifier	Application	Exempt for Full
Address	Date	Year Beginning
Name	Refund	
701/35	6/26/18	\$4,530.17 2019
SWANSON, Jeffrey Lee		
240 Seneca Place		
2211/8	2/17/18	\$10,245.52 2019
GOLDEN, William T		
101 Linden Avenue		
Check payable and mail to:		
Wells Fargo Real Estate Tax Service		
1 Home Campus		
MAC-X2302-04D		
Des Moines, IA 50328		

Resolution No. 204

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2014-2017 pursuant to the Tax Court of New Jersey:

Block/Lot	Address	Year	Amount
Name			
3116/13	226 North Avenue West	2014	\$7,276.20
Payable to:		2015	\$7,510.97

Mandelbaum Salsburg, P.C. – Attorney Trust Account	2016	\$7,658.90
Mail to:	2017	<u>\$11,132.22</u>
Mandelbaum Salsburg, P.C.		\$33,578.29

c/o James L. Esposito
 271 US Highway 46
 Suite F105-106
 Fairfield, NJ 07004-2471

3202/15.01	526 North Avenue East	2016	\$6,320.30
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Payable to:

Michael A. Vespasiano, Attorney Trust Account

Mail to:

Law Office of Michael A. Vespasiano
 331 Main Street
 Chatham, NJ 07928

Resolution No. 205

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2018:

Block/Lot/Qualifier		Quarter/Year
Name	Property Address	Amount
4201/10	652 Summit Avenue	1 st /2018
LEHNER, Todd		\$3,883.32

Resolution No. 206

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2018 Special Improvement District budget:

August 14, 2018	\$105,734.25
November 1, 2018	\$105,734.25

Resolution No. 207

BE IT RESOLVED, that the Treasurer of the Town of Westfield be and he is hereby authorized and directed to draw the necessary 3rd & 4th quarterly assessment warrants and issue same to the County of Union, via wire transfer, as follows:

	County Purpose Tax	Open Space Tax
2018 3 rd Quarter	\$9,980,893.53	\$295,090.48
2018 4 th Quarter	9,980,893.52	295,090.47

Resolution No. 208

WHEREAS, a need exists in the Fire Department to have Fire Headquarters and Station No. 2 buildings assessed to assure the buildings meet contemporary fire and rescue station design and industry standards; and

WHEREAS, at a meeting held August 8, 2017, the Town Council of the Town of Westfield adopted Resolution No. 2017-196, authorizing an award of contract to the firm Lemay Erickson Willcox Architects, PC, 11250 Roger Bacon Drive, Suite 16, Reston, VA 20190 for an initial assessment and report in connection with this initiative at a fee not to exceed \$29,500; and

WHEREAS, at a meeting held December 31, 2017, the Town Council of the Town of Westfield adopted Resolution No. 2017-274, authorizing an award of contract to the aforementioned vendor for Phase 2 of the assessment at cost not to exceed \$11,000; and

WHEREAS, the Phase 2 assessment was recently completed and the Town desires to continue with the third phase of the assessment, and;

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment for the third phase of the assessment, which will be in an amount not to exceed \$115,000, charged to the 2018 Fire Department Account, 125-255, under Purchase Order No. 18-03011 and prepared in accordance with N.J.A.C. 5:30 1.10; and

WHEREAS, the Business Entity Disclosure Certification, Political Contribution Disclosure Form, and the Determination of Value received from Lemay Erickson Willcox Architects PC shall be placed on file along with this resolution in compliance with PL 2005, C271, N.J. S.A. 40A:11-51;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield will enter into a contract for the third phase of assessment of two fire stations; and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Resolution No. 209

WHEREAS, there is a need for the purchase and installation of restrooms at Westfield Memorial Park; and

WHEREAS, the Public Restroom Company, 2587 Business Parkway, Minden, NV 89423 is an authorized vendor under the Buy Board Cooperative Purchasing Program for the purchase, furnishing, and installation of restroom buildings; and

WHEREAS, the purchase of goods and services by a local contracting unit under a National Cooperative Purchasing Program is authorized by N.J.S.A. 52:34-6.2(b)2; and

WHEREAS, the Town Treasurer has certified to the availability of adequate funds for payment, which will be in the amount of \$146,225 charged to the Park Improvement Trust Fund, Account T-05-600-076, under Purchase Order No. 18-03035 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the Public Restroom Company be and hereby is awarded a contract for the purchase, furnishing and installation of a restroom building at Westfield Memorial Park at a cost not to exceed \$146,225 under Buy Board Cooperative Purchasing Contract No. 512-16; and

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Resolution No. 210

WHEREAS, sealed bids were received by the Town Clerk on August 1, 2018 for the Proposed Improvements at Memorial Pool in Westfield, New Jersey as authorized by S.O. 2206A and Public Buildings Operating Account 185-217, and

WHEREAS, the low bid, in the amount of \$98,600.00 submitted by T.R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract is to be charged to S.O. 2206A (C-07-222-06A for \$80,000.00) and Public Buildings Operating Account (8-01-185-217 for \$18,600.00), under Purchase Order #18-03033.

NOW THEREFORE BE IT RESOLVED, that a Contract in the amount of \$98,600.00 be awarded to T.R. Weniger, Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

Resolution No. 211

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for the installation of restrooms at Memorial Park in the Town of Westfield; and

WHEREAS, matching funds in the amount of \$70,000.00 will be certified by the Chief Financial Officer to be charged to account #T-05-600-076.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a "Kids Recreation Trust Fund" grant in the amount of \$70,000.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

Resolution No. 212

WHEREAS, the Cash Management Plan was amended by Resolution No. 137-2018 at the June 19, 2018 meeting and by Resolution No. 176-2018 at the July 10, 2018 meeting of the Westfield Town Council, and

WHEREAS, Spencer Bank has since opened a branch in Westfield and should be added to Part IV, Designation of Depositories;

NOW, THEREFORE BE IT RESOLVED, that Part IV of the Town of Westfield Cash Management Plan be and is hereby amended to include Spencer Bank in the Designation of Depositories.

The Town Administrator discussed resolutions related to the improvements to Memorial Park and explained that one resolution authorizes an award of contract for utility work needed in connection with the installation of restrooms, and the other involves a contract for the purchase and installation of a prefabricated restroom building. Also discussed the funding mechanism for this project.

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Dardia, Chairman of the Public Safety, Transportation and Parking Committee and seconded by Councilman LoGrippo, were unanimously adopted.

Resolution No. 213

WHEREAS, David Wayman of the Westfield Police Department has retired from the position of Chief of Police effective August 1, 2018; and

WHEREAS, in accordance with the provisions of the Town Charter, the Town Administrator has proposed the appointment of Captain Christopher Battiloro as Acting

Police Chief, subject to the consent of the Mayor and approval of the Town Council, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council hereby approve the appointment of Captain Christopher Battiloro to the position of Acting Chief of the Westfield Police Department, effective August 1, 2018 until further notice.

Resolution No. 214

WHEREAS, the Town of Westfield expressed a concern with respect to pedestrian crossings at select locations within the Town, and

WHEREAS, the Police Department recommended to the Public Safety Committee the installation of rectangular rapid-flash beacons (RRFB) to alert motorists to the pedestrian activity occurring at these locations,

WHEREAS, the Town's on-call traffic consultant, NV5, concurred with the Police Department's recommendations with respect to these installations, and

WHEREAS, these crossings involve roadways under Union County jurisdiction, and therefore, Union County approval and concurrence is necessary.

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to proceed with installation of the Rectangular Rapid-Flash Beacons upon concurrence of Union County.

The Town Administrator thanked Captain Battiloro for accepting the position of Acting Police Chief. Also discussed the locations for the installation of the rapid-flash beacons.

General Ordinance No. 2110

Regarding the following ordinance, Councilman Dardia made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2110 – AN ORDINANCE TO AMEND CHAPTER 13, SECTION 31 (MOTOR VEHICLES AND TRAFFIC, PARKING LOT NO.4) OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF WESTFIELD TO CLARIFY THE REGULATIONS AND TO ALLOW FOR ADDITIONAL PAYMENT OPTIONS TO PAY STATIONS AND MPAY2PARK APP"

Motion was seconded by Councilman Contract.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena
Dardia
LoGrippe
Contract
Stokes
Mackey

Nays:

Absent: Habgood
Neylan

Mayor Brindle

Heretofore introduced, General Ordinance No. 2110 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 4th day of September 2018 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Code Review & Town Property Committee

The following resolutions, introduced by Councilwoman Mackey, Chairman of the Code Review & Town Property Committee, and seconded by Councilman Stokes, were unanimously adopted.

Resolution No. 215

BE IT RESOLVED that application for the following liquor license renewals for the 2018-2019 licensing term be and hereby are granted, subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et. seq.:

PLENARY RETAIL DISTRIBUTION LICENSE

Saamro, LLC
t/a Westfield Wine & Liquor
2020-44-017-011

270 North Avenue E.

General Ordinance No. 2111

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2111 – AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD"

Motion was seconded by Councilman Dardia.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena
Dardia
LoGrippo
Contract
Stokes
Mackey
Mayor Brindle

Nays:

Absent: Habgood
Neylan

Heretofore introduced, General Ordinance No. 2111 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 25th day of September 2018 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

The Town Administrator discussed the purpose of General Ordinance No. 2111, stating that it would allow for microbreweries within the Central Business District as a conditional use, and would be referred to the Planning Board for review prior to final adoption.

General Ordinance No. 2112

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2112 – AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE CODE OF THE TOWN OF WESTFIELD"

Motion was seconded by Councilman LoGripipo.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena
Dardia
LoGripipo
Contract
Stokes
Mackey
Mayor Brindle

Nays:

Absent: Habgood
Neylan

Heretofore introduced, General Ordinance No. 2112 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 4th day of September 2018 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Works Committee

The following resolutions, introduced by Councilman Contract, Chairman of the Public Works Committee, and seconded by Councilman LoGripipo, were unanimously adopted.

Resolution No. 216

WHEREAS, Fischer Contracting Inc., has completed all of the work necessary for the 2018 Various Street Improvements as authorized by S.O. 2207 and S.O. 2208A, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$347,993.75 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2207 and S.O. 2208A, and

WHEREAS, the Town has been furnished with a Lien Release, an Affidavit of Payment of Prevailing Wage, and a one year Maintenance Bond against defective workmanship and materials.

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make final payment in the amount of \$6,959.88 and to effect whatever actions are appropriate by said final acceptance for the 2018 Various Street Improvements, with a final contract price of \$347,993.75.

Resolution No. 217

WHEREAS, Fischer Contracting Inc., has completed all of the work necessary for the 2017 Various Road Improvements as authorized by S.O. 2203A, and

WHEREAS, the Town Engineer certifies that all of the work, totaling \$1,543,075.81 has been completed in a satisfactory manner, in accordance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2203A, and

WHEREAS, the Town has been furnished with a Lien Release, an Affidavit of Payment of Prevailing Wage, and a one year Maintenance Bond against defective workmanship and materials.

NOW THEREFORE BE IT RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make final payment in the amount of \$30,861.52 and to effect whatever actions are appropriate by said final acceptance for the 2017 Various Road Improvements, with a final contract price of \$1,543,075.81.

Resolution No. 218

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Special Ordinance 2215A, and

WHEREAS, the contract to purchase this equipment is to be awarded to an authorized vendor through a Cooperative Purchasing Agreement, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, specifically, National Joint Powers Alliance Contract #032515-JDC, a resolution must be adopted by the Governing Body, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Special Ordinance 2215A, Capital Account C-07-221-5A5 under Purchase Order #18-03010.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendor:

Jesco Inc.

1260 Centennial Avenue

Piscataway, NJ 08854

(1) 2018 Leeboy 1000G Paver	\$ 79,900.00
(1) 2018 Bomag Double Drum Roller	\$ 38,683.50

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Resolution No. 219

WHEREAS, BCI Burke Company, LLC, is under contract to the Town of Westfield for the 2018 Improvement of Mindowaskin Park Playground as authorized by the Special Ordinance 2211, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had originally been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2211, under Purchase Order PO18-01681.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$17,834.00 executed by Don Bogardus, Recreation Director, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2018 Improvement of Mindowaskin Park Playground increasing the contract price to \$868,814.00.

Reports of Department Heads

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$701.00 during the month of July 2018 was received, read, and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$137,538.00 for the month of July 2018 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$30,945.00 representing monies collected during the month of June 2018.

ADJOURNMENT

A motion to adjourn, made by Councilman LoGrippo and seconded by Councilman Dardia at 9:33 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk